REMARKS

The Patent Office rejected claims 21-58 under 35 U.S.C. § 102(e) as being anticipated by Low (U.S. Patent No. 6,282,281). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 UPPQ 2d 1051, 1053 (Fed. Cir. 1987).* Further, as stated in M.P.E.P. § 2111, "pending claims must be 'given the broadest reasonable interpretation consistent with the specification'."

Regarding claim 21, Low fails to either expressly or inherently disclose a telephony switch comprising a switching fabric, a first interface for connecting the switching fabric to a packet fabric, and the claimed computing module. As for the switching fabric, the Patent Office stated that the internet browser (73) and the phone driver software (71) of the computer (53) of Figures 13-17 are a switching fabric. Applicant respectfully disagrees. Even when given the broadest reasonable interpretation, the claimed switching fabric is not equivalent to the internet browser (73) and the phone driver software (73) of Low. The internet browser (73) simply allows User A to browse the internet using the computer (53), and the phone driver software (71) allows User A to dial a telephone number retrieved by the internet browser on the phone hardware interface (70). However, a switching fabric links an incoming node to an appropriate output node in a circuit switched network. Accordingly, the internet browser (73) and the phone driver software (71) of Low are not a switching fabric.

As for the first interface, the Patent Office stated that the phone hardware interface (70) of the computer (53) in Figure 13-17 of Low is equivalent to the claimed first interface. Again, Applicant respectfully disagrees. As illustrated in Figure 14 of Low, the internet browser (73) allows a user A to browse the internet (50). Using the internet browser (73), user A can get a current roaming number of user B from an HTTP server (51). Then, using the phone driver software (71), user A can automatically dial user B's roaming number and a call is established between the phone hardware interface (70) and user B's telephone (40) over the PSTN. Accordingly, the phone hardware interface (70) of Low is simply a telephone interfaced to the computer (53) such that the telephone number of user B can be automatically dialed. However, the phone hardware interface (70) does not connect a switching fabric of a telephony switch to a packet fabric. Thus, the phone hardware interface (70) of Low is not equivalent to the claimed first interface.

As for the computing module, the Patent Office stated that the computer (53) and the internet browser (73) of Figures 14-17 and the setup gateway (90) of Figures 16-17 are equivalent to the claimed computing module. However, in addition to the arguments above, the computer (53), the internet browser (73), and the setup gateway (90) are not part of a telephony switch. Further, even if interpreted as the computing module of a telephony switch, Low fails to expressly or inherently disclose that any of these elements, or any other disclosed element, is capable of establishing a call through a switching fabric, a packet fabric, and the switching fabric and the packet fabric. Further, Low fails to disclose establishing a call through a switching fabric, a packet fabric, or the switching fabric and the packet fabric based on the endpoints.

More specifically, Figure 13 of Low illustrates a system that establishes a call through only the PSTN. User A sends a call request for User B's webtel number, SSP (41) obtains User B's current roaming number (telephone number of phone (40)) via the SCP (43) which queries the HTTP server (51) based on User B's webtel number. Once User B's current roaming number is obtained, the call is established through the PSTN. Thus, Figure 13 of Low fails to disclose at least a telephony switch including a computing module capable of establishing a call through a switching fabric, a packet fabric, and the switching fabric and the packet fabric that establishes a call through a switching fabric, a packet fabric, or the switching fabric and the packet fabric based on the endpoints.

In Figure 14, Low discloses a system where the internet browser (73) allows a user A to browse the internet (50). Using the internet browser (73), user A retrieves a current roaming number of user B from an HTTP server (51). Then, using the phone driver software (71), user A can automatically dial user B's roaming number and a call is established between the phone hardware interface (70) and user B's telephone (40) through the PSTN. Thus, Figure 14 of Low fails to disclose at least a telephony switch including a computing module capable of establishing a call through a switching fabric, a packet fabric, and the switching fabric and the packet fabric that establishes a call through the switching fabric, the packet fabric, or the switching fabric and the packet fabric based on the endpoints.

Figure 15 of Low discloses a system similar to that of Figure 14. However, in this system, once the computer (53) retrieves the current roaming number of User B, a call is established through the Internet and the PSTN, which are connected by the interface (80). To initiate the call, the computer (53) sends signaling messages to a known address of the interface

(80). Then, a communications path is established between the interface and the telephone (40) of User B over the PSTN in traditional fashion. Thus, Figure 14 of Low fails to disclose at least a telephony switch including a computing module capable of establishing a call through a switching fabric, a packet fabric, and the switching fabric and the packet fabric that establishes a call through the switching fabric, the packet fabric, or the switching fabric and the packet fabric based on the endpoints.

It should also be noted that the interface (80) of Low does not establish a call through the switching fabric, the packet fabric, or the switching fabric and the packet fabric based on the endpoints. Low discloses establishing a call through the Internet and the PSTN via the interface (80) using internet phone software (81). The internet phone software (81) automatically routes call setup messages to a known address of the interface (80). The interface (80) then establishes a communication path to the endpoint over the PSTN. However, neither the internet phone software (81) nor the interface (80) makes a decision on whether to establish the call through a switching fabric, a packet fabric, or the switching fabric and the packet fabric based on the endpoints. Further, the system of Figure 15 is not capable of establishing a call over only the Internet or only the PSTN. It is only capable of establishing the call through the Internet and the PSTN.

Figure 16 of Low discloses a system similar to that of Figure 14. However, this system allows third-party call set-up. In general, using the internet browser (73), user A retrieves a current roaming number of user B from an HTTP server (51). User A then sends a call setup message to the setup gateway (90) instructing the setup gateway (90) to establish a call between User A and User B through the PSTN. Thus, Figure 16 of Low fails to disclose at least a telephony switch including a computing module capable of establishing a call through a switching fabric, a packet fabric, and the switching fabric and the packet fabric that establishes a call through the switching fabric, the packet fabric, or the switching fabric and the packet fabric based on the endpoints.

Figure 17 of Low discloses a system similar to that of Figure 16. However, in this system, User A browses the Internet. Upon visiting a website and wishing to make an inquiry, User A enters his telephone number. Upon receiving the inquiry, an inquiry control system (126) sends a request to the setup gateway (90) to establish a call between User A and User D, and the setup gateway (90) establishes a call through the PSTN. Thus, Figure 17 of Low fails to

disclose at least a telephony switch including a computing module capable of establishing a call through a switching fabric, a packet fabric, and the switching fabric and the packet fabric that establishes a call through the switching fabric, the packet fabric, or the switching fabric and the packet fabric based on the endpoints.

Even if the systems of Figures 13-17 are combined, Low only discloses establishing a call through the PSTN or through the Internet and the PSTN and fails to disclose establishing a call through only the Internet. Further, Low fails to disclose establishing a call over one of three routes (through a packet fabric, a switching fabric, or the packet fabric and the switching fabric) based on the endpoints. Thus, Low fails to disclose at least a telephony switch including a computing module capable of establishing calls through a switching fabric, a packet fabric, and the switching fabric and the packet fabric and that establishes a call through the switching fabric, the packet fabric, or the switching fabric and the packet fabric based on the endpoints. Accordingly, claim 21 is allowable.

For at least the same reasons claim 21 is allowable, claims 22-58 are also allowable.

Respectfully submitted,
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